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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,377	03/14/2001	Tomas Brodsky	US010059	3327

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EXAMINER

YODER III, CHRISS S

ART UNIT PAPER NUMBER

2612

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,377

Applicant(s)

BRODSKY ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,11,12,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,11,12,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed October 18, 2004 have been fully considered but they are not persuasive.

Applicant argues, with respect to claims 1 and 21, that Ogino (US Patent # 6,762,794) does not teach the use of "a set of mirrors angled with respect to each other at a predetermined angle with respect to each other at a predetermined angle **relative to a common plane intersecting said camera, each mirror having adjacent ends** disposed a predetermined distance from the camera **along the common plane, for directing light from an object reflected in said mirrors directly to the camera** for producing a stereo effect in the output of the camera." This limitation with emphasis added is a new issue added to the claim therefore a final rejection, necessitated by amendment, is supplied below.

Applicant's arguments with respect to claims 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

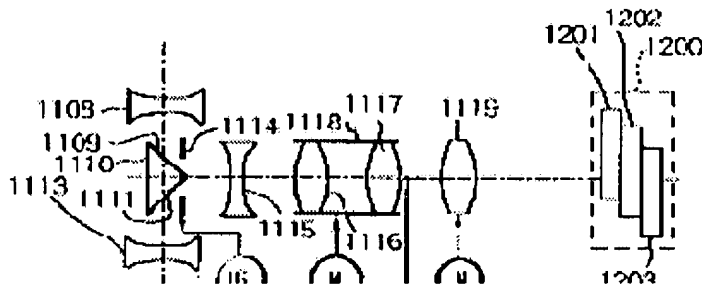
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4-6, 11-12, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino (US Patent # 6,762,794).

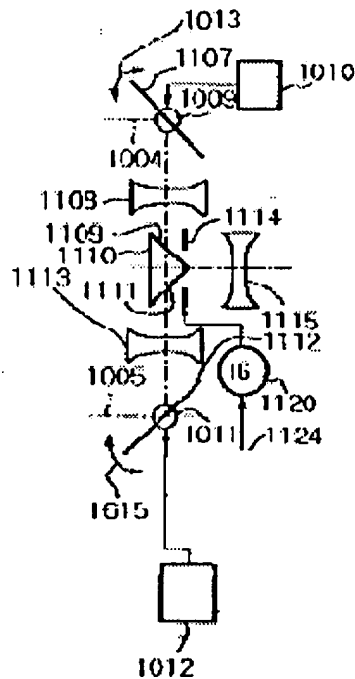
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2. In regard to claim 1, note Ogino discloses the use of a stereo camera system (column 1, lines 8-10) comprising a stereo imaging means for outputting at least one stereo image (column 5, lines 37-40), said stereo imaging means includes a camera (figure 10: 1108-1111, 1113-1119, and 1200, the image pickup means and the lens system; the portion of the figure which the examiner reads to be the camera is included here),



a set of mirrors angled a predetermined angle with respect to each other at a predetermined angle relative to a common plane intersecting said camera (column 13, lines 41-44; and figure 10: 1107 and 1112; and can also be in the figure included below, taken from figure 10, the common plane is considered to be the vertical line passing through the lens system of the camera), each mirror having adjacent ends disposed a predetermined distance from the camera along the common plane, for directing light from an object reflected in said mirrors directly to the camera for producing a stereo effect in the output of the camera (figure 10: 1107, 1108, 1112, and 1113, the mirrors are located a predetermined distance from the camera; as can also be in the figure included below, taken from figure 10),

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a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61).

3. In regard to claim 4, note Ogino discloses that the camera is a video camera and the at least one stereo image is a sequence of video images (column 15, line 64 – column 16, line 4).

4. In regard to claim 5, note Ogino discloses the use of the adjusting means comprises angle adjustment means for adjusting the predetermined angle between the set of mirrors (column 13, lines 48-59).

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5. In regard to claim 6, note Ogino discloses the use of a controller for controlling the angle based on an input signal from the recognition means (column 13, lines 48-59; and figure 14: S57-S60).
6. In regard to claim 11, note Ogino discloses the use of a controller for controlling the angle and baseline adjustment means based on an input signal from the recognition means (column 5, lines 40-57).
7. In regard to claim 12, note Ogino discloses that the recognition means is a stereo vision system (column 5, lines 27-29).
8. In regard to claim 21, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 21 has been analyzed and rejected as previously discussed with respect claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent # 6,762,794).
10. In regard to claim 3, note Ogino discloses the use of a stereo camera as claimed in claim 2 above. Therefore, it can be seen that Ogino fails to disclose that the camera is a still camera and the at least one stereo image is a still image. Official notice is taken that the use of a stereoscopic camera that takes still photographs is notoriously well known and expected

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in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino reference to include the use of a still camera in order to take individual stereoscopic or 3D photos to allow the user to print the images.

11. In regard to claim 22, note Ogino discloses the use of a stereo camera system (column 1, lines 8-10) comprising a stereo imaging means including two cameras (column 5, lines 30-36; and figure 1: 103 and 104), each camera being angled a predetermined angle (column 5, lines 39-46) and distanced a predetermined distance with respect to each other and the object of interest (column 5, lines 39-46) for outputting at least one stereo image as a sequence of video images (column 15, line 64 – column 16, line 4), a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61) comprising an angle adjustment means for adjusting the predetermined angle of at least one of the two or more cameras (column 5, lines 40-45), baseline adjustment means for adjusting the predetermined distance between the two cameras (column 5, lines 40-45), distance adjusting means for adjusting a distance between at least one of the two cameras and the object of interest (figure 5: A, B, and C, by changing the angle of the cameras C_L and C_R , the distance to an object is changed). Therefore, it can be seen that the Ogino device lacks a focal length adjustment means for changing a focal length of at least one of the two cameras. Official notice is taken that the concepts and advantages of adjusting the focal length of a camera are notoriously well known and expected in the art. Therefore, it would have been obvious to

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one of ordinary skill in the art to modify the Ogino device to include the use of a focal length adjustment means in order to focus the each camera so as to achieve maximum clarity and distinctness of the image rendered by the optical system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006545702B1: note the use of a camera that uses the reflection of mirrors to produce an image.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344 or (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
February 18, 2005


WENDY R. GARBER
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